

INFORMATION DISCLOSURE CITATION

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PTO Form 1449Attorney Docket No.
47714-5004-USApplication No.
09/068,935Applicants: David PASCUAL *et al.*
Filing Date: November 23, 1998

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U.S. PATENT DOCUMENTS

Examiner Initial		Document Number	Date	Name	Class	Sub Class	Filing Date

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AUG 12 2002 U.S. PATENT & TRADEMARK OFFICE	Document Number	Date	Country	Class	Sub Class	Translation	YES	NO
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	EP 0 391 088 A	10/10/1990	Europe				X	

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Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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		Applicants: David PASCUAL <i>et al.</i>	PAGE 3 of 4
		Filing Date: November 23, 1998	Group Art Unit: 1644
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(Use several sheets if necessary)
PTO Form 1449Attorney Docket No.
47714-5004-USApplication No.
09/068,935Applicants: David PASCUAL *et al.*

PAGE 4 of 4

Filing Date: November 23, 1998

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PATENT
Attorney Docket No.: 047714-5004 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
David PASCUAL *et al.*)
Serial No.: 09/068,935) Group Art Unit: 1644
Filed: November 23, 1998) Examiner: Gambel, Phillip
For: THERAPEUTIC AND DIAGNOSTIC)
AGENTS FOR THE TREATMENT OF)
MICROBIAL INFECTIONS)

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed to the best of the undersigned's knowledge before the mailing date of a Final Office Action or Notice of Allowance on the merits for the above-referenced application. Authorization to charge Deposit Account No. 50-0310 in the amount of **\$180.00** is given to cover the fee set forth in § 1.17(p) in this Information Disclosure Statement.

Copies of the listed documents are enclosed. Applicants respectfully request that the Examiner consider the listed documents and indicate that the documents have been considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies the document as "prior art" against any claims in

Attorney Docket No.: 047714-5004 US

Application Serial No.: 09/068,935

Page 2

the application and Applicants determine that the cited document does not constitute "prior art"

under United States law, Applicants reserve the right to present to the office the relevant facts

and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Date: August 12, 2002

By: Bonnie Weiss McLeod
Bonnie Weiss McLeod
Registration No. 43,255

CUSTOMER NO. 009629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Ave., N.W.
Washington, D.C. 20004
(202) 739-3000



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the application and Applicants determine that the cited document does not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

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Date: August 12, 2002

By: Bonnie Weiss McLeod
Bonnie Weiss McLeod
Registration No. 43,255

CUSTOMER NO. 009629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Ave., N.W.
Washington, D.C. 20004
(202) 739-3000



P.B.5818 - Patentlaan 2
2280 HV Rijswijk (ZH)
+31 70 340 2040
TX 31651 epo nl
FAX +31 70 340 3016

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Gervasi, Gemma, Dr.
Notarbartolo & Gervasi S.p.A.,
Corso di Porta Vittoria, 9
20122 Milano
ITALIE

Datum/Date

04.12.00

Zeichen/Ref./Réf. 1542PTEP	Anmeldung Nr./Application No./Demande n°./Patent Nr. /Patent No./Brevet n°. 96942049.6-2112-US9618796
Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire THE RESEARCH AND DEVELOPMENT INSTITUTE, INC, et al	

COMMUNICATION

The European Patent Office herewith transmits as an enclosure the European search report for the above-mentioned European patent application.

If applicable, copies of the documents cited in the European search report are attached.

Additional set(s) of copies of the documents cited in the European search report is (are) enclosed as well.



REFUND OF THE SEARCH FEE

If applicable under Article 10 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.



P B 5818 - Patentlaan 2
2280 HV Rijswijk (ZH)
+ 31 70 340 2040
TX 31651 epo nl
FAX + 31 70 340 3016

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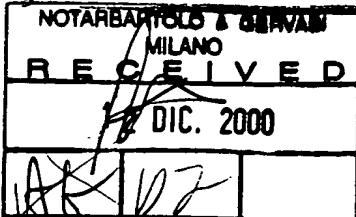
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Gervasi, Gemma, Dr.
Notarbartolo & Gervasi S.p.A.,
Corso di Porta Vittoria, 9
20122 Milano
ITALIE



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06-12-2000

Zeichen/Ref./Réf. 1542PTEP	Anmeldung Nr./Application No./Demande n°./Patent Nr./Patent No./Brevet n°. 96942049.6-2112- PCT/US9618796
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PROCEEDING FURTHER WITH THE EUROPEAN PATENT APPLICATION PURSUANT TO
ARTICLE 96(1) AND RULE 51(1) EPC

A supplementary European search report has been drawn up concerning
the above European patent application (publication no. 0869801).

Since you have filed a request for examination prior to the trans-
mission of the supplementary European search report, you are hereby
invited to indicate within

TWO MONTHS

of notification of this invitation whether you desire to proceed
further with the European patent application.

If you do not indicate in due time that you desire to proceed further
with the European patent application, it will be deemed to be withdrawn
(Art. 96(3) EPC).

If you wish you may comment on the supplementary European search report
and amend, where appropriate, the description, claims and drawings
(Rule 51(1) EPC).

RECEIVING SECTION



REGISTERED LETTER

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DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.Cl.6)
X	WO 84 01290 A (UNIV IOWA RES FOUND) 12 April 1984 (1984-04-12) * the whole document *	1-5, 7, 8, 10-13	A61K35/12
X	EP 0 391 088 A (BLOOD RES LAB CENTER) 10 October 1990 (1990-10-10) * page 10, line 21 - page 13, line 9 *	1-7, 9-13, 18-25	
TECHNICAL FIELDS SEARCHED (Int.Cl.6)			
A61K			
The supplementary search report has been based on the last set of claims valid and available at the start of the search.			
1	Place of search	Date of completion of the search	Examiner
	MUNICH	8 November 2000	Eng1, B
CATEGORY OF CITED DOCUMENTS			
X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document		T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons & : member of the same patent family, corresponding document	

ANNEX TO THE EUROPEAN SEARCH REPORT
ON EUROPEAN PATENT APPLICATION NO.

EP 96 94 2049

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report. The members are as contained in the European Patent Office EDP file on. The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

08-11-2000

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